

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The rejection of claims 1-9 under 35 U.S.C. §102 as allegedly anticipated by Pearce '003 is respectfully traversed. However, since these claims have now been cancelled without prejudice or disclaimer, this ground of rejection has been mooted and therefore no further explanation is believed necessary at this time.

The rejection of claims 10-40 under 35 U.S.C. §102 as allegedly anticipated by Byham et al. '231 is also respectfully traversed.

As the Examiner may have already noted, Byham is related to this application as explained at page 3, lines 8-15 of the specification of the present application. Two of the inventors in Byham et al. '231 are common with the inventors of the present application (i.e., Messrs. Law and Walker). The Byham '231 patent is also commonly assigned with the present application.

It comes as a surprise to the presently named inventors that the earlier work of Byham et al. anticipates their continuing work and improvements of almost two years devoted to developing the present invention which now supercedes much of the Byham et al. '231 work.

As one simplified way to recognize the major deficiencies of Byham et al. '231, it need only be noticed that apparatus claims 12-40 relate to a special three-port connecting unit that is simply never taught or suggested anywhere in Byham et al. '231. Similarly, method claims 10-11 utilize separate control messages as opposed to the mere headers of packets (as in

Byham et al. '231) and thus also cannot possibly be anticipated (or suggested) by anything found in Byham '231.

Claims 12 to 40 relate to a three-port connector (or a stack including such a connector) which connects switch or router units in a stack and can provide a 'hot-swap' facility, i.e., one can extend or diminish the stack by insertion or removal of units from the connectors without requiring power-down and power-up. If any of the three ports has no active unit connected to it that port is by-passed. The unit has to have three and precisely three ports because there are three possible locations for it, at the top, at the bottom and in the middle of a stack.

Byham's hub units (not connectors) include multiplexers 106, 108 and 117 which are operated from the link detectors 128 and 127 so that if there are no packets at the top port, that port is bypassed and if there are no packets at the bottom port 101 that port is bypassed. There is no means for or any benefit in doing this for the internal Spice RX and Spice TX connections, which in any case are internal buses, not external ports.

With respect to at least method claims 10-11, it is also important to note that Byham performs configuration using the headers of packets, and particularly the Artg/Gnt and Config bits in byte AO. There are no control messages distinct from packets and no separate path for control packets. Byham calls the up signal path an arbitration path and the down path a signal path but they are both paths that carry only packets.

The Examiner attempts with respect to all the independent claims to read them onto Byham, but the task is impossible. All claims 12-40 are distinguished by virtue of at least the two "connector" points noted above.

For example, with respect to claim 12, the Examiner says that Byham discloses a 'hub unit...having ports etc....which provide a bypass of a port to which an active communication unit is not coupled'. This, however, ignores the distinctions noted above.

With respect to claim 15, the Examiner makes the same erroneous comment and compounds this error by suggesting that Byham discloses 'a connecting unit'. Byham et al. does no such thing. It discloses only cables for the interconnection between hub units and logic within a hub.

The same basic errors are made with respect to the other independent claims 19, claim 27, claim 33 and claim 38 and therefore with respect to all claims 13 to 40.

Another basic error that the Examiner makes is particularly in respect of claims 13, 14, 17, 19, 21, 22, 29, 31, 32, 33, 35, 36, 37 and 38-40, which refer to control messages distinct from and particularly separate from the packets. Byham uses headers of packets, not separate control messages to control the multiplexers.

Method claims 10 and 11 have a similar requirement, in respect of which Examiner makes the same error. For example, claim 10 requires:

establishing a control path for control messages from each unit to the next, the control path being distinct from said communication path;

the provision within the unit of the up and down communication paths, which form part of the same packet loop, plainly does not anticipate this requirement.

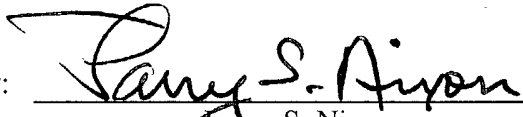
POULTER et al.
Appl. No. 09/662,158
November 29, 2004

It follows directly that since Byham et al. does not disclose any connectors at all, does not disclose three-port connectors, does not disclose the bypassing of each of those three ports (in the connector) when it is not connected to an active unit and does not disclose separate control and signal (packet) paths, the allegation of anticipation by Byham is without foundation.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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